

# Court of Appeals, State of Michigan

## ORDER

Cindy Drummer v Jeffrey D Zheutlin

Docket No. 278275

LC No. 04-009097-DM

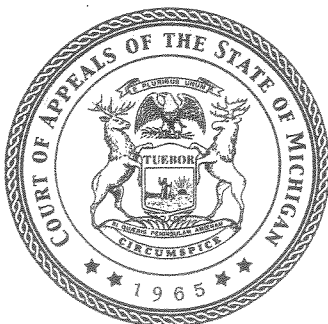
Michael R. Smolenski  
Presiding Judge

Richard A. Bandstra

Jane E. Markey  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the February 27, 2007 and May 4, 2007 orders of Kent Family Court be VACATED. The trial court erred when it found that the language of the property settlement was ambiguous and, hence, when it looked beyond the words of the agreement to ascertain the intent of the parties. *Raska v Farm Bureau Mutual Ins Co of Michigan*, 412 Mich 355, 362; 314 NW2d 440 (1982); *Vigil v Vigil*, 118 Mich App 194, 197; 325 NW2d 571 (1982). The language of the property settlement is clear and unambiguous. Plaintiff is to receive \$177,000 dollars. The settlement language does not indicate that plaintiff is to receive securities valued at \$177,000 or a § 529 account or accounts containing securities valued at a total of \$177,000. This matter is REMANDED to the trial court for entry of an order enforcing the clear terms of the property settlement provision. This order takes immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 05 2007  
Date

*Sandra Schultz Mengel*  
Chief Clerk